

EXECUTIVE JOURNAL.

[TWENTY-THIRD SESSION.]

MONDAY, NOVEMBER 12, 1804.

The following written messages were received from the President of the United States, by Mr. Burwell, his Secretary:

To the Senate of the United States:

During the last recess of the Senate, I have granted commissions for the offices, and to the persons following; which commissions will expire at the end of the present session of the Senate. I therefore nominate the same persons to the same offices, for re-appointment, viz:

John Armstrong, of New York, Minister Plenipotentiary to France.

James Monroe, our present Minister Plenipotentiary at the Court of London, to be Minister Extraordinary and Plenipotentiary to Spain, for the purposes expressed in the commission heretofore granted to the said James Monroe and Charles Pinckney, jointly, and approved by the Senate, which commission becomes ineffectual by the intended return of Charles Pinckney.

Daniel Humphreys, of New Hampshire, Attorney of the United States for the District of New Hampshire.

Tomson J. Skinner, of Massachusetts, Commissioner of Loans for Massachusetts.

Joshua Prentiss, of Massachusetts, Surveyor and Inspector of the revenue for the port of Marblehead.

William Few, of New York, Commissioner of Loans for New York.

William Bache, of Pennsylvania, Surveyor and Inspector for the port of Philadelphia.

Thomas Rutter, of Maryland, Marshal for the district of Maryland.

Edward Hall, of Maryland, Commissioner of Loans for Maryland.

John Brent, of Maryland, Collector and Inspector for Nanjemoy, in Maryland.

Edmund Key, of Maryland, Surveyor and Inspector for Llewellynsburg, in Maryland.

Wilson Cary Nicholas, of Virginia, Collector for Norfolk and Portsmouth, in Virginia.

David Broadie, of Virginia, Collector and Inspector for Hampton, in Virginia.

Thomas C. Ferebee, of North Carolina, Surveyor and Inspector of Indian-town, in North Carolina.

Isaac Neufville, of South Carolina, Commissioner of Loans for South Carolina.

Philip Green, of Ohio, Collector and Inspector for Marietta, in Ohio.

Walter Jones, Jr., Attorney of the United States for the District of Columbia.

Samuel Hamilton,
Samuel N. Smallwood, } Justices of the Peace for the County of Washington, in the District of Columbia.
Robert Alexander, Jun. }

John Gibson, of Indiana, Secretary for the Territory of Indiana.
 Michael Jones, of Ohio, Register of the Land Office at Kaskaskias.
 John Badollet, of Pennsylvania, Register of the Land Office at Vincennes.
 George Hoffman, of Ohio, Register of the Land Office at Detroit.
 Frederick Bates, of Indiana, Receiver of Public Moneys for lands at Detroit.
 Elijah Backus, of Ohio, Receiver of Public Moneys for lands at Kaskaskia.
 Nathaniel Ewing, of Pennsylvania, Receiver of Public Moneys for lands at Vincennes.
 Harry Toulman, of Kentucky, one of the Judges of the Mississippi Territory.
 Thomas Fitzpatrick, of South Carolina, Register of the Land Office in the county of Adams, in the Mississippi Territory, for the lands west of Pearl river.
 Joseph Chambers, of the Mississippi Territory, Register of the Land Office in the county of Washington, in the Mississippi Territory, for the lands east of Pearl river.
 Edmund P. Gaines, Collector for the district of Mobile, and Inspector for the port of Fort Stoddart, in the Mississippi Territory.

TH: JEFFERSON.

November 9th, 1804.

To the Senate of the United States:

During the last recess of the Senate, the following commissions have issued in the Naval service. As these will expire at the end of the present session, the same persons are now nominated for re-appointment, to wit:

Stephen Decatur, Jun., of Pennsylvania, to be a Captain in the Navy.
 Charles Stewart, of Pennsylvania, Isaac Hull, of Massachusetts, Andrew Sterrett, of Maryland, John Shaw, of Pennsylvania, Isaac Chauncey, of New York, John Smith, of South Carolina, Richard Somers, of New Jersey, George Cox, of Maryland, to be Masters Commandant in the Navy.
 John H. Dent, of Maryland, to be a Lieutenant Commandant in the Navy.
 Starling Archer, of Virginia, Nathaniel T. Weems, of Virginia, John Ridgely, of Maryland, William Rogers, of Maryland, James Dodge, of New York, Larkin Griffin, of Maryland, Thomas Babbit, of Massachusetts, to be Surgeons in the Navy.

TH: JEFFERSON.

November 9th, 1804.

The messages were read.

Ordered, That they severally lie for consideration.

FRIDAY, NOVEMBER 16, 1804.

The Senate took into consideration the messages of the President of the United States, of the 9th instant. Whereupon,

Ordered, That the further consideration of the same be postponed to Monday next.

MONDAY, NOVEMBER 19, 1804.

The following written messages were received from the President of the United States, by Mr. Burwell, his Secretary:

To the Senate of the United States:

I nominate—

James Howdoin, of Massachusetts, Minister Plenipotentiary for the United States, at the Court of Madrid.

George W. Erving, of Massachusetts, to be Secretary of Legation for the United States, at the Court of Madrid.

William Brown, late of Columbia, now of Orleans, to be Collector of New Orleans.

William Lyman, of Massachusetts, to be Surveyor and Inspector for New Orleans.

Thomas Tingey, of Columbia, to be a Captain in the Navy of the United States.

Franklin Wharton, now a Major in the Marine Corps, to be Colonel Commandant of the same, instead of Colonel Burrowes, resigned.

Hannibal M. Allen, of Vermont, James S. Smith, of New Jersey, Joseph Kimball, of New Hampshire, to be Second Lieutenants of Artillery, to take rank from the 27th June, 1804.

John Brownson, of Vermont, Johnson Magowers, of Kentucky, Benjamin Marshall, of Massachusetts, to be Ensigns in the first regiment of Infantry, to take rank from June 27, 1804.

Oliver H. Spencer, of Orleans, Surgeon, to take rank from October 9, 1804.

Abraham Edwards, of New Jersey, to be a Surgeon's Mate, to rank from June 8, 1804.

TH: JEFFERSON.

November 13th, 1804.

To the Senate of the United States:

I now lay before you a treaty entered into on the 18th day of August, of the present year, between the United States, on one part, and the Delaware Indians on the other, for the extinguishment of their title to a tract of country between the Ohio and Wabash rivers.

And another of the 27th day of the same month, between the United States and the Piankeshaws, for a confirmation of the same by the latter; together with a letter from Governor Harrison, on the same subject; which treaties are submitted for your advice and consent.

TH: JEFFERSON.

November 15th, 1804.

The messages and treaties were read.

Ordered, That they severally lie for consideration, and that the treaties be printed in confidence for the use of the members.

TUESDAY, NOVEMBER 20, 1804.

The Senate resumed the consideration of the message of the President of the United States, of November 9th, nominating John Armstrong, and others, to office. Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively; except to those of Joshua Prentiss, John Brent, Edmund Key, David Broadhie, Isaac Neufville, Samuel Hamilton, Samuel N. Smallwood, Robert Alexander, Jr., Harry Toulman, and Joseph Chambers, postponed until to-morrow.

The Senate resumed the consideration of the message of November 9th, nominating Stephen Decatur, and others, for promotion in the Navy.

Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively; except to those of Starling Archer, Nathaniel T. Weems, John Ridgeley, William Rodgers, James Dodge, Larkin Griffin, and Thomas Babbit, postponed.

The Senate resumed the consideration of the message of November 13th, nominating James Bowdoin, and others, to office and military appointments.

Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively; except to those of James S. Smith, Joseph Kimball, John Brownson, and Benjamin Marshall, postponed.

THURSDAY, NOVEMBER 22, 1804.

The treaty, made at Vincennes, between the United States and the Delaware tribe of Indians, was resumed, and read the second time.

Ordered, That it lie for further consideration.

The treaty, made at Vincennes, between the United States and the Piankeshaw tribe of Indians, was resumed, and read the second time.

Ordered, That it lie for further consideration.

The Senate resumed the consideration of the message of the President of the United States, of November 9th, nominating Stephen Decatur, and others, to promotion in the Navy. Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively; except to those of Starling Archer, Nathaniel T. Weems, John Ridgeley, William Rodgers, James Dodge, Larkin Griffin, and Thomas Babbit, referred to Mr. Bradley, Mr. Wright, and Mr. Condit, to consider and report thereon.

Ordered, That the Secretary lay this resolution, together with the resolution of the 20th instant, before the President of the United States.

The Senate resumed the consideration of the message of the President of the United States, of November 9th, nominating John Armstrong, and others, to office. Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively.

Ordered, That the Secretary lay this resolution, together with the resolution of the 20th instant, before the President of the United States.

The Senate resumed the consideration of the message of the President of the United States, of November 13th, nominating James Bowdoin, and others, to office, and military appointment. Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively.

Ordered, That the Secretary lay this resolution, together with the resolution of November 20th, before the President of the United States.

MONDAY, NOVEMBER 26, 1804.

Mr. Bradley, from the committee to whom was referred, on the 22d inst., the nominations of Starling Archer, and others, to be Surgeons in the Navy, made report. Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

The treaty, made between the United States and the Delaware tribe of Indians, was read, as in Committee of the Whole.

The treaty, made between the United States and the Piankeshaws, was read, as in Committee of the Whole.

TUESDAY NOVEMBER 27, 1804.

The treaty, made made and concluded at Vincennes, between the United States and the Delaware tribe of Indians, was read the third time; and, on the question, Will the Senate advise and consent to the ratification of the same?

It was determined in the affirmative: Yeas 23.

Those who voted, are—Messrs. Adams, Baldwin, Bradley, Cocke, Condit, Dayton, Ellery, Giles, Hillhouse, Logan, Maclay, Mitchill, Moore, Olcott, Pickering, Plumer, Israel Smith, John Smith, of New York, Stone, Sumpter, White, Worthington, and Wright.

So it was

“*Resolved*, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty, made and concluded at Vincennes, on the 18th day of August last, between the United States and the Delaware tribe of Indians.”

Ordered, That the Secretary lay this resolution before the President of the United States.

The treaty, made and concluded at Vincennes, between the United States and the Piankeshaws, was read the third time; and, on the question, Will the Senate advise and consent to the ratification thereof?

It was determined in the affirmative: Yeas 24.

Those who voted, are—Messrs. Adams, Baldwin, Bradley, Cocke, Condit, Dayton, Ellery, Giles, Hillhouse, Logan, Maclay, Mitchill, Moore, Olcott, Pickering, Plumer, Israel Smith, John Smith, of New York, Stone, Sumpter, Tracy, White, Worthington, and Wright.

So it was

“*Resolved*, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty, made and concluded at Vincennes, on the 27th day of August last, between the United States and the Piankeshaw tribe of Indians.

Ordered, That the Secretary lay this resolution before the President of the United States.

FRIDAY, NOVEMBER 30, 1804.

The following written message was received from the President of the United States, by Mr. Burwell, his Secretary:

To the Senate of the United States:

During the last recess of the Senate, I granted commissions for the offices and to the persons following; which commissions will expire at the end of

the present session of the Senate. I therefore nominate the same persons to the same offices, for re-appointment, to wit:

William C. C. Claiborne, late Governor of the Mississippi Territory, to be Governor of the Territory of Orleans.

John B. Prevost, of New York, to be one of the Judges of the Superior Court for the Territory of Orleans.

Dominic A. Hall, of South Carolina, to be Judge of the District Court for the Orleans district.

Francis Joseph Le Breton d'Orgenoy, of Orleans, Marshal for the district of Orleans.

William G. Garland, of Orleans, to be Naval Officer for the port of New Orleans.

John Thibaut, of Orleans, Surveyor and Inspector for the port of Bayou St John, in New Orleans.

I also nominate—

James Brown, of Kentucky, to be one of the Judges of the Superior Court for the Territory of Orleans.

Tomson J. Skinner, of Massachusetts, to be Marshal for the district of Massachusetts, from the 22d day of December, ensuing.

Benjamin Austin, Jr., of Massachusetts, to be Commissioner of Loans for Massachusetts.

TH: JEFFERSON.

November 30th, 1804.

The message was read.

Ordered, That it lie for consideration.

TUESDAY, DECEMBER 11, 1804.

The following written message was received from the President of the United States, by Mr. Coles, his Secretary:

To the Senate of the United States :

I nominate—

John Graham, of Kentucky, late Secretary of Legation to Madrid, to be Secretary for the Territory of Orleans.

William Bellinger Bullock, of Georgia, to be Attorney for the United States in the district of Georgia.

William Creighton, of Ohio, to be Attorney for the United States in the district of Ohio.

William Lyman, of Massachusetts, to be Consul of the United States at London.

Peter Kuhn, Jr., of Pennsylvania, to be Consul for the United States at Genoa.

Edward Dewhurst, of the Island of St. Croix, to be Consul for the United States at St. Croix.

John Tapscott, of Virginia, to be Collector and Inspector of the Revenue for Yeocomico river, in Virginia.

TH: JEFFERSON.

December 11th, 1804.

On motion, the rule was so far dispensed with, as that the Senate proceeded to consider the nomination of William B. Bullock, to be Attorney for the United States in the district of Georgia. Whereupon,

Resolved, That the Senate do advise and consent to the appointment of William B. Bullock, agreeably to the nomination.

Ordered, That the other nominations contained in the message lie for consideration.

The Senate resumed the consideration of the message of the President of the United States, of November 30th. Whereupon,

Resolved, That the Senate advise and consent to the appointments, agreeably to the nominations respectively; except to those of William C. C. Claiborne, F. Le Breton d'Orgenay, and John Thibaut, postponed.

Ordered, That the Secretary lay this resolution before the President of the United States.

WEDNESDAY, DECEMBER 12, 1804.

The Senate resumed the consideration of the message of the President of the United States, of November 30th, and the nominations therein contained, postponed yesterday. Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate took into consideration the message of the President of the United States, of December 11th, nominating John Graham, and others, to office. Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively; except to those of Edward Dewhurst, and John Tapscott, postponed.

THURSDAY, DECEMBER 13, 1804.

A written message was received from the President of the United States, by Mr. Coles, his Secretary.

FRIDAY, DECEMBER 14, 1804.

The message received yesterday, from the President of the United States, was read, as follows:

To the Senate of the United States:

I present for your advice, a treaty entered into on behalf of the United States with the Creek Indians, for the extinguishment of their right in certain lands in the forks of Oconee and Okmulgee rivers, within the State of Georgia. For the purpose of enabling you to form a satisfactory judgment on the subject, it is accompanied with the instructions of 1802, April 12, to James Wilkinson, Benjamin Hawkins, and Andrew Pickens, Commissioners; those of 1803, May 5, to James Wilkinson, Benjamin Hawkins, and Robert Anderson, Commissioners; and those of 1804, April 2, to Benjamin Hawkins, sole Commissioner. The negotiations for obtaining the whole of the lands between the Oconee and Okmulgee, have now been continued through three successive seasons, under the original instructions, and others supplementary to them, given from time to time, as circumstances required; and the unity of the negotiation has been preserved, not only by the subject, but by continuing Col. Hawkins always one of the Commissioners, and latterly the sole one. The extent of the cession to be obtained, being uncertain.

the limitation of price was what should be thought *reasonable, according to the usual rate of compensation*. The Commissioner has been induced to go beyond this limit, probably by the just attentions due to the strong interest which the State of Georgia feels in making this particular acquisition, and by a despair of procuring it on more reasonable terms, from a tribe which is one of those most fixed in the policy of holding fast their lands. To this may be added, that if, by an alteration in the 1st article, instead of giving them stock, which may be passed into other hands, and render them the prey of speculators, an annuity shall be paid them in this case, as has hitherto been practised in all similar cases, the price of these lands will become a pledge and guarantee for our future peace with this important tribe, and eventually an indemnity for the breach of it.

On the whole, I rest with entire satisfaction on the wisdom and counsel of those whose sanctions the constitution has rendered necessary to the final validity of this act.

TH: JEFFERSON.

December 13th, 1804.

The treaty and documents referred to were read.

On motion,

Ordered, That the message and documents be printed, under an injunction of secrecy, for the use of the Senate.

TUESDAY, DECEMBER 18, 1804.

The treaty between the United States and the Creek nation of Indians, was read the second time.

The Senate resumed the consideration of the message of the President of the United States, of the 11th December, nominating Edward Dewhurst, and John Tapscott, to office. Whereupon,

Ordered, That the said nominations be referred to Mr. Tracy, Mr. Giles, and Mr. Samuel Smith, to consider and report thereon.

MONDAY, DECEMBER 31, 1804.

The following written message was received from the President of the United States, by Mr. Coles, his Secretary:

To the Senate of the United States:

Most of the Indians residing within our northern boundary, on this side of the Mississippi, receiving from us annual aids in money and necessaries, it was a subject of complaint with the Sacs, that they received nothing, and were connected with us by no treaty. As they owned the country in the neighborhood of our settlements of Kaskaskia and St. Louis, it was thought expedient to engage their friendship; and Governor Harrison was accordingly instructed, in June last, to propose to them an annuity of five or six hundred dollars, stipulating in return an adequate cession of territory, and an exact definition of boundaries. The Sacs and Foxes, acting generally as one nation, and coming forward together, he found it necessary to add an annuity for the latter tribe also, enlarging proportionably the cession of territory, which was accordingly done by the treaty, now communicated, of November the 3d, with those two tribes.

This cession, giving us a perfect title to such a breadth of country on the eastern side of the Mississippi, with a command of the Ouisconsin, strength-

ens our means of retaining exclusive commerce with the Indians on the western side of the Mississippi; a right indispensable to the policy of governing those Indians by commerce, rather than by arms.

The treaty is now submitted to the Senate for their advice and consent.
TH: JEFFERSON.

December 31st, 1804.

The message was read.

MONDAY, JANUARY 7, 1805.

The treaty made between the United States and the Indian tribes, Sacs and Foxes, was read the first time.

TUESDAY, JANUARY 8, 1805.

Mr. Tracy, from the committee to whom was referred, on the 18th of December, the nominations of John Tapscott and Edward Dewhurst, contained in the message of the President of the United States, of December 11th, made report. Whereupon,

Resolved, That the Senate do advise and consent to the appointment of John Tapscott, agreeably to the nomination.

On the question to agree to the appointment of Edward Dewhurst, it passed in the negative.

Ordered, That the Secretary do notify the President of the United States, accordingly.

The treaty made with the Sacs and Foxes, was read the second time.

MONDAY, JANUARY 14, 1805.

On motion,

Ordered, That the treaty made between the United States and the Creek nation of Indians, be the order of the day for Thursday next.

The treaty made between the United States and the tribes of Sac and Fox Indians, was read the third time, and a motion was made that it be

“ *Resolved*, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty made at St. Louis, on the third day of November, 1804, between the United States and the Sac and Fox Indians.”

The following written message was received from the President of the United States, by Mr. Coles, his Secretary:

To the Senate of the United States:

I nominate the several persons named in the enclosed letter from the Secretary at War, for the promotions and appointments in the Army of the United States, therein proposed for them respectively.

TH: JEFFERSON.

January 14th, 1805.

WAR DEPARTMENT, *January, 1805.*

SIR:—I have the honor to propose, for your approbation, the following list of promotions and appointments in the Army of the United States:

Promotions.

Captain Abimael Y. Nicoll, to be promoted to the rank of Major, in the corps of Artillerists, vice Major George Ingersoll, resigned December 1st, 1804.

First Lieut. Samuel T. Dyson, to be promoted to the rank of Captain, in the corps of Artillerists, vice Captain Peter Tallman, deceased, Sept. 15th, 1804.

First Lieutenant James B. Many, to be promoted to the rank of Captain, in the corps of Artillerists, vice Captain Henry M. Muhlenberg, resigned Oct. 1st, 1804.

First Lieutenant John Fergus, to be promoted to the rank of Captain, in the corps of Artillerists, vice Captain Abimael Y. Nicoll, promoted to Major, December 1st, 1804.

First Lieutenant Nathaniel Leonard, to be promoted to the rank of Captain in the corps of Artillerists, vice Captain John W. Livingston, resigned December 1st, 1804.

Ensign John C. Symmes, to be promoted to the rank of Second Lieutenant in the 1st regiment of Infantry, vice Lieutenant James Porter, resigned May 1st, 1804.

First Lieutenant Joseph Bowmer, to be promoted to the rank of Captain in the 2d regiment of Infantry, vice Captain Aaron Gregg, deceased Oct. 12th, 1804.

Second Lieutenant Henry Hopkins, to be promoted to the rank of First Lieutenant in the 2d regiment of Infantry, vice Lieut. William Wooldrige, resigned June 16th, 1804.

Second Lieutenant William Piatt, to be promoted to the rank of First Lieutenant in the 2d regiment of Infantry, vice Lieutenant Joseph Bowmer, promoted October 12th, 1804.

Ensign Samuel Williamson, to be promoted to the rank of Second Lieutenant in the 2d regiment of Infantry, vice Lieutenant Henry Hopkins, promoted June 16th, 1804.

Ensign Gilbert C. Russell, to be promoted to the rank of Second Lieutenant in the 2d regiment of Infantry, vice Lieutenant Joseph Doyle, deceased September 3d, 1804.

Ensign James S. Logan, to be promoted to the rank of Second Lieutenant in the 2d regiment of Infantry, vice Lieutenant George T. Ross, resigned October 6th, 1804.

Ensign Alfred Sebastian, to be promoted to the rank of Second Lieutenant in the 2d regiment of Infantry, vice Lieutenant William Piatt, promoted October 12th, 1804.

Appointments.

Porter Hanks, of Massachusetts, James McKellar, and James Read, of Pennsylvania, Joseph Hanham, and Thomas Murray, of Maryland, Robert Roberts, of Virginia, Joseph R. Henderson, of Tennessee, Godfrey Bartles, of the Mississippi Territory, and Michael Walsh, of New Orleans, to be appointed Second Lieutenants in the regiment of Artillerists.

John Hackett, Jr. of the Mississippi Territory, William Mead, and Charles Magnan, of Georgia, and John Joseph Duforrest, of Louisiana, to be appointed Ensigns in the 2d regiment of Infantry.

Anthony Saugrain, of Louisiana, Josiah Kirk, of the Mississippi Territory, and Charles Williamson, of Maryland, to be appointed Surgeon's Mates in the Army of the United States.

Accept, Sir, the assurances of my high respect and consideration.

H. DEARBORN.

PRESIDENT of the United States.

The message was read.

Ordered, That it lie for consideration.

THURSDAY, JANUARY 17, 1805.

The Senate resumed the consideration of the treaty made with the tribes of Sac and Fox Indians. And on the question, Will the Senate advise and consent to the ratification thereof?

It was determined in the affirmative, { Yeas, 25,
Nays, 3.

Those who voted in the affirmative, are—Messrs. Anderson, Baldwin, Bradley, Breckinridge, Brown, Cocke, Condit, Dayton, Ellery, Franklin, Hillhouse, Howland, Jackson, Maclay, Mitchill, Moore, Olcott, Smith, of Maryland, Smith, of New York, Smith, of Ohio, Smith, of Vermont, Stone, Sumpter, Worthington, and Wright.

Those who voted in the negative, are—Messrs. Adams, Pickering, and Plumer.

So it was

“*Resolved*, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty made at St. Louis, on the 3d day of November, 1804, between the United States and the Sac and Fox Indians.”

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate took into consideration the message of the President of the United States, of January 14th, nominating Abimael Y. Nicholl, and others, to military promotion and appointment. Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

TUESDAY, JANUARY 22, 1805.

The treaty made between the United States and the Creek nation, was read the third time, as in committee.

And a motion was made, that it be

“*Resolved*, (two-thirds of the Senators present concurring therein,) That the Senate do advise and consent to the ratification of the treaty, made in behalf of the United States with the Creek nation of Indians, at the Agency, near Flint river, on the third day of November, 1804.”

Ordered, That this motion lie for consideration.

MONDAY, JANUARY 28, 1805.

The following written message was received from the President of the United States, by Mr. Coles, his Secretary:

To the Senate of the United States:

I nominate Charles Tenant Porter, of East Tennessee, to be Marshal of East Tennessee, for four years from the expiration of his present commission of Marshal.

Edward Scott, of East Tennessee, to be Attorney for the United States, in the district of East Tennessee

Algernon Sidney Stanford, of Maryland, to be Collector and Inspector of the Revenue for the port and district of Vienna, in Maryland.

Ormond Tuley, of North Carolina, to be Surveyor and Inspector of the Revenue for the port of Slade's Creek.

William Walton, of Maryland, to be Commercial Agent for the United States, at Santo Domingo.

TH: JEFFERSON.

January 28th, 1805.

The message was read.

Ordered, That it lie for consideration.

TUESDAY, JANUARY 29, 1805.

The Senate proceeded to consider the nominations of Charles T. Porter, and others, contained in the message of the President of the United States, of yesterday. Whereupon,

Resolved, That the Senate do advise and consent to the appointments respectively; except to that of William Walton, to whose appointment the Senate do not advise and consent, and except to that of Ormond Tuly, postponed.

The Senate resumed the consideration of the Creek treaty, and the motion for ratifying the same. Whereupon,

A motion was made to amend the first article, as follows:

Strike out the words "two hundred thousand dollars, in stock bearing an interest of six per centum;" and insert in their place, "——— thousand dollars."

After "Georgia," line 2d, strike out the rest of the paragraph.

On motion,

It was agreed that the consideration of this treaty be postponed.

THURSDAY, JANUARY 31, 1805.

The Senate resumed the consideration of the Creek treaty, and the motion for ratifying the same. The motion for amending the first article having been withdrawn; after debate, the Senate adjourned.

FRIDAY, FEBRUARY 1, 1805.

The Senate resumed the consideration of the message of the President of the United States, of January 28th, and the nomination of Ormond Tuly, postponed. Whereupon,

Resolved, That the Senate do advise and consent to the appointment of Ormond Tuly, agreeably to the nomination.

Ordered, That the Secretary lay this resolution, together with the resolution of January 29th, before the President of the United States.

The Senate resumed the consideration of the Creek treaty, and the motion for ratifying the same; and, after debate, adjourned.

SATURDAY, FEBRUARY 2, 1805.

The Senate resumed the consideration of the motion of 22d January, for ratifying the Creek treaty; and a motion was made to amend the resolution

by striking out after "*that*," and substituting the following: "the further consideration of the treaty entered into at the Agency, near Flint River, on the 3d of November, be postponed until the first Monday in December next; and that the President of the United States be requested to enter into further negotiations with the Creek nation of Indians, in order to effect, if possible, such modification of the terms contemplated by said treaty, as well relative to price, as to the mode of payment, as may be more conformable to the policy and interest of the United States."

A division was called for; and, on the question, Shall the words in the original resolution stand?

It was determined in the affirmative, { Yeas, 11,
Nays, 20.

Those who voted in the affirmative, are—Messrs. Baldwin, Dayton, Giles, Hillhouse, Jackson, Mitchill, Pickering, Plumer, Smith, of New York, Stone, and Tracy.

Those who voted in the negative, are—Messrs. Adams, Anderson, Bayard, Breckinridge, Brown, Cocke, Condit, Ellery, Franklin, Gaillard, Logan, Maclay, Moore, Olcott, Smith, of Maryland, Smith, of Vermont, Sumpter, White, Worthington, and Wright.

So the words of the original resolution were not struck out.

And, on the question, Will the Senate adopt the resolution originally proposed, to ratify the treaty?

It was determined in the negative, { Yeas, 12,
Nays, 19.

Those who voted in the affirmative, are—Messrs. Adams, Baldwin, Bayard, Dayton, Gaillard, Giles, Jackson, Logan, Smith, of Maryland, Tracy, White, and Wright.

Those who voted in the negative, are—Messrs. Anderson, Breckinridge, Brown, Cocke, Condit, Ellery, Franklin, Hillhouse, Maclay, Mitchill, Moore, Olcott, Pickering, Plumer, Smith, of New York, Smith, of Vermont, Stone, Sumpter, and Worthington.

Ordered, That the Secretary acquaint the President of the United States, that the Senate do not advise and consent to the ratification of this treaty.

TUESDAY, FEBRUARY 5, 1805.

A motion was made that it be

"*Resolved*, That the treaty holden at the Agency of the United States, for the Creek nation, between the United States and the said Indians, on the 3d day of November last, and disapproved of by the Senate, be returned to the President, with the following resolution:

"*Resolved*, That the President of the United States be requested to cause a further and immediate negotiation to be entered into, for the procuring of the lands between the Oconee and Oakmulgee rivers, not already obtained, together with such other lands as the said Creeks may be disposed to relinquish."

Ordered, That this motion lie for consideration.

TUESDAY, FEBRUARY 26, 1805.

The following written message was received from the President of the United States, by Mr. Coles, his Secretary:

To the Senate of the United States:

I nominate William Hull, of Massachusetts, to be Governor of the Territory of Michigan.

Stanley Griswold, of Connecticut, to be Secretary of the Territory of Michigan.

Samuel Huntington, of Ohio, to be a Judge of the Court in the Territory of Michigan.

Frederick Bates, of Michigan, to be a Judge of the Court of the same Territory.

Augustus B. Woodward, of the Territory of Columbia, to be a Judge of the Court of the Territory of Michigan.

Buckner Thruston, of Kentucky, to be one of the Judges of the Superior Court for the Territory of Orleans.

Andrew Porter, of the Territory of Orleans, to be Surveyor of the port, and Inspector of Revenue for New Orleans.

Daniel Coffin, of Massachusetts, to be Collector of the district, and Inspector of Revenue for the port of Nantucket, in Massachusetts.

TH: JEFFERSON.

February 26th, 1805.

The message was read.

Ordered, That it lie for consideration.

FRIDAY, MARCH 1, 1805.

The Senate resumed the consideration of the message nominating William Hull, and others, to office. Whereupon,

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate took into consideration the motion made the 5th ultimo; and,

Resolved, That the treaty holden at the Agency of the United States, for the Creek nation, between the United States and the said Indians, on the third day of November last, and disapproved of by the Senate, be returned to the President, with the following resolution:

Resolved, That the President of the United States be requested to cause a further and immediate negotiation to be entered into, for the procuring of the lands between the Oconee and Oakmulgee rivers, not already obtained, together with such other lands as the said Creeks may be disposed to relinquish."

Ordered, That the Secretary lay this resolution before the President of the United States.

The following written messages were received from the President of the United States, by Mr. Coles, his Secretary:

To the Senate of the United States:

I nominate Robert Williams, of North Carolina, to be Governor of the Mississippi Territory.

Daniel D. Tompkins, of New York, to be Judge of the Court of the district of New York

TH: JEFFERSON.

March 1st, 1805

To the Senate of the United States:

In a message of the 14th of January, I transmitted a letter from the Secretary at War, proposing certain military promotions and appointments, and nominating the persons accordingly, by reference to the letter; which nominations the Senate afterwards advised and consented to. Among these was the nomination of 2d Lieutenant Henry Hopkins, to be promoted to the rank of 1st Lieutenant, in the 2d regiment of Infantry, vice Lieutenant William Wooldridge, resigned June 16, 1804; and 2d Lieutenant William Piatt, to be 1st Lieutenant in the 2d regiment of Infantry, vice Bowmer, promoted October 12, 1804. But it since appears that Lieutenant Hopkins had been previously transferred, by the commanding officer, from the 2d into the 1st regiment, and, consequently, was not entitled to promotion in the 2d regiment. This fact becoming known before the commissions were delivered, I have suppressed them, and now nominate the persons really entitled to promotion, giving to each his corrected date, to wit: I nominate William Piatt, now a 2d Lieutenant in the 2d regiment of Infantry, to be a 1st Lieutenant in the same, vice William Wooldridge, resigned June 16, 1804. William Lawrence, now a 2d Lieutenant in the 2d regiment of Infantry, to be a 1st Lieutenant in the same, vice Joseph Bowman, promoted October 12, 1804.

In the same message, by a mistake of the Christian name, Joseph Hanham, of Maryland, was nominated a 2d Lieutenant in the regiment of Artillerists; but the real name of the person contemplated being James, I now correct the error, by nominating James Hanham, of Maryland, to be appointed a 2d Lieutenant in the regiment of Artillerists.

I also now nominate Jonathan Eastman, now an Ensign, to be a 2d Lieutenant in the regiment of Artillerists, vice Godfrey Bartles, deceased.

The enclosed letter, from the Secretary at War, states the errors of the former nominations.

TH: JEFFERSON.

March 1st, 1805.

The messages were read.

Ordered, That they severally lie for consideration.

SATURDAY, MARCH 2, 1805.

The Senate took into consideration the message nominating Robert Williams, and others, to office; and

Resolved, That they do advise and consent to the appointments, agreeably to the nominations respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

The Senate proceeded to consider the message of the President of the United States, received yesterday, containing certain military nominations; and

Resolved, That they do advise and consent to the appointments, agreeably to the nominations respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

The following written message was received from the President of the United States, by Mr. Coles, his Secretary:

To the Senate of the United States:

I nominate Robert Smith, now Secretary of the Navy, to be Attorney General of the United States.

Jacob Crowninshield, of Massachusetts, to be Secretary of the Navy.

Obadiah Jones, of Georgia, to be one of the Judges of the Court of the Mississippi Territory.

TH: JEFFERSON

March 2d, 1805.

The message was read.

On motion, the rule was dispensed with, and

Resolved, That the Senate do advise and consent to the appointments, agreeably to the nominations respectively.

Ordered, That the Secretary lay this resolution before the President of the United States.

SUNDAY, MARCH 3, 1805.

The following written message was received from the President, by Mr. Coles, his Secretary:

To the Senate of the United States:

I nominate Thomas Hill Williams, of the Mississippi Territory, to be Register of the Land Office west of Pearl River.

TH: JEFFERSON.

March 3d, 1805.

The message was read.

On motion, the rule was dispensed with, and

Resolved, That the Senate do advise and consent to the appointment, agreeably to the nomination.

Ordered, That the Secretary lay this resolution before the President of the United States.

APPENDIX.

MARCH 4, 1805.

Thomas Jefferson, the President of the United States, came to the Senate Chamber, and addressed the assembly, as follows:

“Proceeding, fellow-citizens, to that qualification which the constitution requires before my entrance on the charge again conferred on me, it is my duty to express the deep sense I entertain of this new proof of confidence from my fellow-citizens at large, and the zeal with which it inspires me so to conduct myself as may best satisfy their just expectations.

On taking this station, on a former occasion, I declared the principles on which I believed it my duty to administer the affairs of our commonwealth. My conscience tells me I have, on every occasion, acted up to that declaration, according to its obvious import, and to the understanding of every candid mind.